

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**SITTING AS THE DISTRICT COUNCIL**

**1995 Legislative Session**

Bill No. \_\_\_\_\_ CB-45-1995

Chapter No. \_\_\_\_\_ 28

Proposed and Presented by \_\_\_\_\_ Council Member MacKinnon

Introduced by \_\_\_\_\_ Council Members MacKinnon and Maloney

Co-Sponsors

Date of Introduction \_\_\_\_\_ June 27, 1995

**ZONING BILL**

AN ORDINANCE concerning

Nullification of Special Exception

For the purpose of providing procedures for the nullification of a Special Exception when a zoning text amendment negates the need for the Special Exception.

BY adding:

Section 27-320.01,

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1991 Edition, 1994 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Section 27-320.01 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby added as follows:

**SUBTITLE 27. ZONING.**

**PART 4. SPECIAL EXCEPTIONS.**

**DIVISION 1. ADMINISTRATIVE PROCEDURES.**

**Subdivision 9. Special Exception Approval.**

**Sec. 27-320.01. Effect of Zoning Text Amendment on an Approved Special**

**Exception.**

(a) When an amendment to the text of the Zoning Ordinance is enacted that negates the need for a Special Exception which has previously been approved, the Special Exception shall terminate, and all current provisions of the zone shall apply to further use and development of the property, in accordance with the procedures set forth below.

(b) If a Special Exception is terminated pursuant to paragraph (a) above, an owner of property so affected may petition the Planning Director of the Prince George's County Planning Department of the Maryland-National Capital Park & Planning Commission requesting that the Special Exception be officially nullified. Any such request shall be accompanied by a written statement setting forth the relevant facts supporting the petition, as well as true-test copies of the approved Special Exception and site plan, and the text amendment terminating the Special Exception. Notwithstanding the above, if the Planning Director discovers through other review procedures that a Special Exception is no longer required for the property, the Director may initiate procedures for termination of the Special Exception.

(1) Upon the Planning Director's determination that a zoning text amendment has terminated a Special Exception, the Director shall make a written finding setting forth the grounds upon which the determination is made.

(2) If the Planning Director finds that a Special Exception has not terminated, the applicant may file an appeal to the Prince George's County Planning Board within twenty (20) calendar days after the date of the Planning Director's action.

(3) Upon the approval of a request to nullify a Special Exception, by either the Planning Director or the Planning Board, said action shall be noted on the official zoning map for Prince George's County and in all of the files regarding nullified Special Exceptions maintained by either the Prince George's County Planning Board, the Office of the Zoning Hearing Examiner, or the District Council.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 26th day of July , 1995.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART  
OF THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon  
Chairwoman

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.